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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/202,783

05/24/1999

HANS-JURGEN FISCHER

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26646 7590 04/02/2007  
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 NEW YORK, NY 10004

EXAMINER

KAZIMI, HANI M

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

04/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/202,783

Applicant(s)

FISCHER ET AL.

Examiner

Hani Kazimi

Art Unit

3691

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 11 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
Hani M. Kazimi  
Primary Examiner  
Art Unit: 3691

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are non-persuasive. Applicant argues that the combination of Chaum and Hoshino do not disclose all the claimed features of claim 8. In particular, Applicant argues that Chaum does not disclose transmitting a first word from the storage device (i.e. smart card) to the terminal (i.e. IVU) before an interrupt sensitive time period since there is no reference to a data communication between the smart card and the IVU in Chaum. The Examiner disagrees. Chaum discloses preloading information/data to the IVU (col. 16, lines 1-8). The information/data is transmitted from the smart card to the IVU (col. 16 lines 8-12).

Applicant further argues that Chaum does not disclose transmitting a particular signal from the terminal (i.e. IVU) to the storage device (i.e. smart card) the particular signal including a posting triggering signal, a posting data record, and an identifier generated using a first data word transmitted by the integrated circuit card before an interrupt sensitive period and a second data word of at least one data word generated by either a computer or a terminal in a secure wireless communication with each other as provided in claim 8. The Examiner disagrees. Chaum discloses generating "Spoof proof" data as an encrypted version of data based upon uplink commit data (i.e. smart card to IVU to RCS)(col. 16, lines 32-43). Then downlink spoof proof data representing an amount of toll charges, charge station identity, and time of the transaction is transmitted from the RCS to the smart card (col. 16, lines 43-52).

Finally, Applicant argues that Chaum does not disclose transmitting a confirmation signal and further data from the storage device to the terminal and via the terminal to the computer as required by claim 8. The Examiner disagrees. Chaum discloses the smart card generates data including verification data confirming (i.e. confirmation signal) a valid debit to a valid smart card has occurred and transmits the signal to the RCS (col. 16, lines 53-65).

Therefore, Applicant's arguments are deemed non persuasive and the rejection of claims 8, 9, 11 and 17 is maintained..



HANI M. KAZIMI  
PRIMARY EXAMINER